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Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 08-00004

Plaintiff,)

vs.)

**UNITED STATES MOTION FOR
PRETRIAL EVIDENTIARY RULINGS**

EUN YOUNG LEE,)
aka Eun Young Cho,)
aka Ina Lee,)
MARCELINO J. LASERNA,)
JOHN W.C. DUENAS,)
MARY C. GARCIA,)
JOSEPH PANGELINAN,)
FRANCISCO SN KAWAMOTO, and)
MARGARET B. UNTALAN,)

Defendants.)

COMES NOW the United States and moves this Honorable Court for a pretrial on the
admissibility of the exhibits which the parties propose to introduce during the course of this trial.

The government makes this motion because such a ruling will greatly expedite the
conduct of the trial. Once a jury is empaneled, the cost of trial is significant. If the court makes
a pretrial determination of the admissibility of exhibits, a significant amount of time will be
saved in presenting the case to the jury.

1 For example, virtually all of the government's exhibits will be offered after the
2 custodians of records have laid the required business record foundations. If there are objections
3 other than foundation, they could be resolved now. The admissibility of the government's
4 summary chart can be determined.

5 In particular, the admissibility of certain portions of the defendants' various interviews
6 with FBI agents should be settled prior to opening statement. For example, defendant
7 Pangelinan filed his proposed exhibits, which include statements of Eun Young Lee about the
8 role of the other defendants in this scheme. Such evidence is hearsay, as was briefed in the
9 government's trial memorandum, and inadmissible. It would be highly prejudicial to the
10 government's case for counsel to be allowed to tell the jury in his opening statement that Lee
11 said his client was innocent.

12 A preliminary evidentiary ruling concerning the admissibility of this evidence would
13 greatly expedite the course of this trial.

14 Respectfully submitted this 14th day of May, 2008.

15 LEONARDO M. RAPADAS
16 United States Attorney
Districts of Guam and NMI

17 By: /s/ Karon V. Johnson
18 KARON V. JOHNSON
19 Assistant U.S. Attorney
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